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Article 1. In GeneralSec. 2-1 Jurisdiction of Municipal Court²

The civil jurisdiction of the Municipal Court of the Town is as provided in § 16.1-77, Code of Virginia. Its criminal jurisdiction is as provided in § 16.1-124, Code of Virginia. (Code 1962, § 2-4)

Sec. 2-2 Duties and Powers of Police Force³

The officers constituting the police force of the Town shall have the powers and duties of enforcing this Code and other Town ordinances, and all other powers and duties vested in them by the laws of the State. (Code 1962, § 2-8)

Article 2. Town Officers⁴Sec 2-3 Duties, Powers and Functions of Mayor.⁵

The Mayor shall have such duties, powers and functions as set out in the Charter and in state law.

² For charter provision as to Municipal Court, see Char. § 8-1

³ For state law as to powers of Town police generally, see Code of Va. § 15.1-131 et seq.

⁴ As to attendance of Town officers at Council meetings, see §§ 2-27 to 2-29 of this Code. As to Fire Marshall, see §§ 7-12 to 7-15. As to political activities by Town employees, see § 10-76.

⁵ For Charter provision as to powers of Mayor generally, see Char. § 4.4. As to powers of Mayor in time of civil emergency and mob action, see §§ 2-58 to 2-62 of this Code.

Sec. 2-4 Duties of Town Clerk⁶

The Town Clerk shall attend the meetings of the Town Council and shall keep a correct and complete record of the proceedings of the Council. He shall have charge of the records of the Town, faithfully preserve the same and perform such other services and functions as he may be directed by the council to perform. (Code 1962, § 2-5)

Sec. 2-5 Town Treasurer -- Duties; Inspection of Books by Mayor or Town Council⁷

(a) The Town Treasurer shall receive all taxes and other money and revenues belonging to the Town, and deposit the same in such bank as the Town Council may direct. He shall keep the bank books and check books so that they will accurately reflect the state of his accounts. Each check shall be drawn payable to the order of the person for whose benefit it is drawn, and shall contain a notation on its face which will indicate the purpose for which it is drawn. All checks and vouchers shall be carefully preserved.

(b) The Treasurer shall also so keep the books that all receipts and disbursements and the source and character of the same may appear, and that a true and accurate understanding of the financial affairs and conditions of the Town may be readily ascertained therefrom. All of the Treasurer's books and records shall be open at any time to the inspection of the Mayor and any member of the Council, or such persons as the Council may direct. (Code 1962, § 2-6)

Sec. 2-6 Same -- Annual Audit of Books

An audit of the books of the Town Treasurer shall be made annually, as soon as practical after the close of the fiscal year, by such persons as the Council may designate for the purpose, assisted by the Treasurer, and a report of such audit made to the Council. This report shall also indicate the amount of uncollected assets of the Town in the hands of the Treasurer for collection. (Code 1962, § 2-6)

Sec. 2-7 Same -- Bond

Before entering upon the duties of his office, the Town Treasurer shall execute a bond with surety approved by the Council in the penalty of not less than fifty thousand dollars (\$50,000) conditioned upon the faithful performance of the duties of his office, for the proper collection of and accounting for all money which shall come into his hands or which it shall be his duty to collect and for the payment of all money by him, on proper order of the Council, to those entitled to receive the same. (Code 1962, § 2-6)

⁶ For Charter provision as to powers and duties of Town Clerk generally, see Char. § 4.8.

⁷ As to finance and taxation generally, see Chapter 6 of this Code.

Sec. 2-8 Town Sergeant -- Powers and Duties

(a) The Town Council shall from time to time prescribe the general and other duties to be performed by the Town Sergeant. The Sergeant shall perform the duties, receive the compensation and perform such other functions as may be ordered by the Council.

(b) The Sergeant shall have the powers and generally discharge the same duties as were formerly had and discharged by Constables. The Sergeant shall have the power to arrest without warrant and carry before the proper authority to be dealt with as the law provides any and all persons who shall violate any provision of this Code or other ordinance of the Town in his presence. It shall be his duty to swear out warrants for the arrest of any person who he may have reason to believe has committed a violation of any provision of this Code or other ordinance of the Town. (Code 1962, § 2-7)

Sec. 2-9 Same -- Bond

The Town Sergeant shall be required to give bond in the amount of five thousand dollars (\$5,000) with surety approved by the Town Council, payable to the Town, for the faithful performance of his duties. (Code 1962, § 2-7)

Sec. 2-9.1 Town Attorneys Powers and Duties. (New/Amend. 3-18-91)

(A) Town Attorneys and their designates shall have power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations committed within the Town, whether violations of Town Ordinances or Laws of the Commonwealth.

(B) The Town Council shall from time to time prescribe the general and other duties to be performed by the Town Attorneys.

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Article 3. Town CouncilDivision 1. GenerallySec. 2-10 Powers, Duties and Functions⁸

The powers, duties and functions of Town Council shall be as set out in the Charter and state law.

Sec. 2-11 Use of Robert's Rules of Order

The meetings of the Town Council, except as its own rules of procedure may otherwise provide, shall be conducted according to Robert's Rules of Order. (Code 1962, § 2-3)

Sec. 2-12 Authority to Fine and Expel Members

The Town Council may fine its members for improper conduct and, with the concurrence of six members, expel a member. (Code 1962, § 2-3) (Amend. 2-70)

Sec. 2-13 Records of Proceedings

The Town Council shall keep an accurate record of its proceedings, which record shall be fully indexed and open to inspection by anyone entitled to vote for members of the Council. (Code 1962, § 2-3)

Division 2. MeetingsSec. 2-14 Date and Time of Regular Meetings

The Town Council shall meet in regular session on the first and third Mondays of each month at 8:00 P.M.; or at such other times as may be fixed by resolution; provided, that at least one regular meeting per month shall be held as required by Section 4.2 of the Charter. When the first or third Monday of a month falls on a legal holiday, the Council may by motion postpone or advance the regular meeting scheduled for such a holiday, and notice of such postponement or advancement, together with the substitute date selected, shall be published by such means as the Council may select. (Code 1962, appx. 3; 9-7-65)

⁸ For Charter provisions as to powers and duties of Town Council generally, see Char. §§ 4.1 to 4.7. As to election of Councilmen, see Char, §§ 3.1 to 3.4.

Sec. 2-15 Special Meetings

Special meetings of the Town Council may be called, in accordance with Section 4.2 of the Charter, any time by the Mayor or by four members of the Council; provided, that all members are duly notified a reasonable time prior to such meeting as to the time and place for which the meeting is called and the business to be considered during such meeting. Such notice shall be deemed to have been served when the Council member is personally advised by telephone or when a written copy of the same is delivered to his last known place of residence; either by leaving it with an adult member of the member's immediate family or by affixing it to the door of the member's place of residence in the event that no such person can be located. In the event a member is known to be temporarily out of the area, notice by telegraph or long distance telephone shall be deemed sufficient. No business shall be transacted at a special meeting except that for which it shall be called, unless all members of the Council are present.

When the necessity for a special meeting can be foreseen, it shall be called during the preceding regular meeting. The date, time, place of and the subjects to be discussed at all special meetings shall be publicly announced and publicized whenever practical. (Code 1962, appx. 3; 9-7-65)

Sec. 2-16 Quorum

In accordance with Section 4.3 of the Charter a quorum for the transaction of business shall consist of four Councilmen. In the event a quorum cannot be obtained, a majority of those present may adjourn the meeting. (Code 1962, appx. 3; 9-7-65)

Sec. 2-17 Excusing Members from Meetings

No member shall be excused from attendance at a Town Council meeting after he has answered to the initial roll call unless he has been excused by the presiding officer. (Code 1962, appx.3; 9-7-65; Amend. 2-70)

Sec. 2-18 Adjourned Sessions

Any meeting of the Town Council may, by majority vote, be continued or adjourned to any future time certain, which occurs prior to the beginning of the next succeeding regular meeting. (Code 1962, appx.3; 9-7-65)

Sec. 2-19 Conference Sessions

The Mayor or any four Councilmen may call the Town Council together for a conference session at any time. Notice of time and place for all conference sessions shall be given Councilmen as in the case of a special meeting; except, that there shall be no limitation of matters to be discussed. A conference session may consider any matter of interest upon which an exchange of information appears desirable. No formal vote shall be taken on any matter during a conference session nor shall any member be required to formally commit his vote on any question. Nothing herein, however, shall be construed as prohibiting an informal expression of opinion on any question by any member. The procedure at all conference sessions shall be informal. (Code 1962, appx. 3; 9-7-65)

Sec. 2-20 Executive Sessions

An executive session of the Town Council may be convened by the Mayor or by any four members of the Council. Notice of executive sessions shall be as for special meetings and the same limitation on business transacted shall apply as for special meetings. The Council may, by majority vote, exclude from any executive session all persons not members of the Council. Formal votes may be had only on such matters as involve problems relating to specific employees of the Town or its instrumentalities, contract negotiations or other matters which cannot be discussed in public without injury to the interest of the Town. (Code 1962, appx. 3; 9-7-65)

Division 3. Presiding OfficerSec. 2-21 Mayor to Preside; Voting and Veto Powers of Mayor

In accordance with Section 4.4 of the Charter, the Mayor shall preside at all meetings and sessions of the Town Council. He shall have the same right to vote and speak therein as other members of the Council, but shall not have power of veto. (Code 1962, appx.3; 9-7-65)

Sec. 2-22 Mayor Pro Tempore

In the event that the Mayor is absent or unable to act, the Mayor pro tempore of the Town Council, to be chosen at its organization meeting following the installation of members of Council after each Town election, shall preside at all such meetings and sessions. The term of office for the Mayor pro tempore shall be one year with the privilege to succeed himself. (Code 1962, appx. 3; 9-7-65; Amend. 2-70)

Sec. 2-23 Temporary Chairman in Absence of Mayor and Mayor Pro Tempore

In the event that both the Mayor and Mayor pro tempore are absent or unable to act, and if a quorum is present, the senior member present shall call the meeting of Town Council to order. One of the members present shall be elected to serve as temporary chairman of the meeting until the return of the Mayor or Mayor pro tempore. (Code 1962, appx.3; 9-7-65)

Division 4. Privileges of the FloorSec. 2-24 Members of Council

During Town Council meetings, Council members shall observe order and shall not delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the Council. Every Councilman desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself to the question under debate and shall avoid all personalities and indecorous language. Every Councilman desiring to question the administrative staff shall address his question to the Mayor or Town Manager who shall be entitled either to answer the inquiries himself or to designate some member of his staff for that purpose. A Councilman, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer or unless a point of order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a Councilman is called to order while he is speaking, he shall cease speaking immediately until the question of order is determined. If ruled to be in order, he shall be permitted to proceed. If ruled to be not in order, he shall remain silent or shall alter his remarks so as to comply with rules of the Council. All members of the Council shall accord courtesy to each other, to Town employees and to public members appearing before the Council. Councilmen shall confine their questions as to the particular matters before the assembly and in debate shall confine their remarks to the issues before the Council. If the presiding officer fails to act, any member may move to require him to enforce the rules and the affirmative vote of a majority of the Council shall require the presiding officer to act. (Code 1962, appx. 3; 9-7-65)

Sec. 2-25 Members of Town Staff

Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applicable to members of the Town Council. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and Town employees are concerned, the Town Manager also shall be responsible for the orderly conduct and decorum of all Town employees. The Town Manager or any staff member desiring to address the Council may be recognized by the chair. When recognized, he shall limit his remarks to the matter under discussion. No staff member, other than staff member having the floor, shall enter into any discussion without permission of the presiding officer. (Code 1962, appx. 3; 9-7-65)

Sec. 2-26 Members of the Public

Any member of the public desiring to address the Town Council may be recognized by the chair. He shall state his name and address in an audible tone for the record, and shall limit his remarks to the question under discussion.

Public members attending council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Council. Any person making personal, impertinent and slanderous remarks or who becomes boisterous while addressing the Council or while attending the council meeting may be removed from the room by the police department upon request of the presiding officer, and such persons may be barred from further audience before the Council. Aggravated cases may be prosecuted on appropriate complaint signed by the presiding officer. In case the presiding officer shall fail to act, any member of the Council may move to require him to act to enforce the rules. (Code 1962, appx. 3; 9-7-65)

Division 5. Attendance of Town Officers and EmployeesSec. 2-27 Town Manager

The Town Manager shall attend all meetings, hearings and sessions of the Town Council as requested by Council. He shall advise and make recommendations to the Council on all agenda items as requested by the presiding officer and shall be afforded floor privileges in the same manner as Councilmen. (Code 1962, appx. 3; 9-7-65)

Sec. 2-28 Town Clerk

The Town Clerk shall be the Clerk of the Council and shall perform such duties in connection with such office as may be assigned by the Mayor, Council or Town Manager. The Town Clerk shall attend all meetings, hearing and sessions of the Council as requested. (Code 1962, appx. 3; 9-7-65)

Sec. 2-29 Town Attorney

The Town Attorney shall attend all meetings, hearing and sessions of the council as requested; either in person or by a deputy. Any member of the Council may call upon the Town Attorney, through the Mayor, for an oral or written opinion on any question of law, but not on any question of parliamentary procedure. The Town Attorney shall be afforded the privilege of the floor to explain any matter of legal significance to the pending business. (Code 1962, appx. 3; 9-7-65)

Division 6. Rules of ProcedureSec. 2-30 Seating of Members

Members shall occupy the respective seats in the Council Chamber assigned to them by the Mayor, but any two or more members may exchange seats upon mutual agreement. (Code 1962, appx. 3; 9-7-65; Amend. 2-70)

Sec. 2-31 Recognition of Members

Recognition shall be requested by addressing the chair as "Mr. Mayor". When recognized by the chair, a member shall confine his remarks to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. No member shall address the chair or demand the floor while any vote is being taken, except to raise a point of order or to demand the ayes and nays. (Code 1962, appx. 3; 9-7-65)

Sec. 2-32 Question of Order

Any member may interrupt Town Council proceedings to raise a point of order. The pending business shall be suspended thereupon, and the chair shall rule on the point of order after affording both sides an opportunity to be heard. Such ruling shall be subject to being overruled by majority vote upon a duly made and seconded motion. A tie vote sustains the ruling of the chair. (Code 1962, appx. 3; 9-7-65)

Sec. 2-33 Limitation on Debate

No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken. Each Councilman and the Mayor shall have the right to speak once on each motion, resolution, ordinance and on each amendment thereto. No member shall speak for longer than ten minutes each time without leave of Council. The total time during which any business shall be considered may be limited by a majority vote of members present and voting. A motion to so limit debate is in order at any time. (Code 1962, appx. 3; 9-7-65)

Sec. 2-34 Voting Procedure

Every member present when a question is put shall vote either "aye" or "nay", unless Town Council shall excuse him from voting. Application to be excused from voting shall be made before the votes are called for. The member having briefly stated the reason for his request, the decision thereon shall be made without debate. Upon demand of any member, made before a decision is announced by the chair, the roll shall be called for "ayes" and "nays" upon any question before Council. It shall not be in order for members to explain their vote during the roll call. Each Councilman and the Mayor shall have one vote on all questions. A roll call vote is required as to all actions involving expenditure of bond funds. (Code 1962, appx. 3; 9-7-65)

Sec. 2-35 Questions of Personal Privilege

The right of a member to address the Town Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned. (Code 1962, appx. 3; 9-7-65)

Sec. 2-36 Extension of Remarks

Any member shall have the right to formally express approval of or dissent from or protest against any ordinance or resolution adopted by Town Council and have the reason therefor entered upon the journal. Such dissent or protest shall be filed in writing, couched in respectful language, and presented to Council not later than the next regular meeting following the date of passage of the ordinance or resolution objected to. (Code 1962, appx. 3; 9-7-65)

Sec. 2-37 Motions to be Stated by Chair; Procedure for Withdrawing Motions

When a motion is made and seconded, it shall be restated by the chair before debate upon request by any member. A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of the Town Council. (Code 1962, appx. 3; 9-7-65)

Sec. 2-38 Introduction of Ordinances, Motions, Etc., Out of Regular Order

By a majority vote of the members present, a member may be permitted to introduce an ordinance, resolution or motion out of the regular order; provided, that in the case of ordinance, the provisions of Section 9.1 of the Charter shall apply. (Code 1962, appx. 3; 9-7-65)

Sec. 2-39 Motion to Adjourn

A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a member while speaking; (c) when the previous question has been ordered; and (d) while a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.
(Code 1962, appx. 3; 9-7-65)

Sec. 2-40 Motion to Lay on the Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two-thirds of the members present. A motion to lay on the table takes precedence over all subsidiary motions and over such incidental questions as are pending. It yields to privileged motions and is not debatable.
(Code 1962, appx. 3; 9-7-65)

Sec. 2-41 Motion to Postpone

All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost. A motion to postpone is debatable. (Code 1962, appx. 3; 9-7-65)

Sec. 2-42 Procedure to Make Subject Special Order

To make any subject a special order shall require the consent of a majority of the members present. (Code 1962, appx. 3; 9-7-65)

Sec. 2-43 Motion to Reconsider

After the decision on any question, any member who voted with the majority may move a reconsideration of the prior action at the same or the next succeeding meeting, provided, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof; and provided, that there are at least as many members present as were present when the original action was taken. A motion to reconsider shall require a majority of those members present and voting. After a motion for reconsideration has once been acted on, no other motion for a reconsideration thereof shall be made without unanimous consent. If the motion for reconsideration succeeds, any motion disposing of the substantive question is in order. (Code 1962, appx. 3; 9-7-65)

Sec. 2-44 Procedure for Moving Previous Question

A motion on the previous question is not debatable, requires a two-thirds majority and cannot be amended. A member moving the previous question at a time when the main motion plus one or more amendments are pending shall specify the question of which the question is demanded. Upon the previous question being moved and seconded, the chair shall immediately put it to a vote. If approved, the chair shall thereupon put to a vote all questions to which the motion on the previous question was directed. (Code 1962, appx. 3; 9-7-65)

Sec. 2-45 Division of Question

If the question is divisible into two or more propositions, the presiding officer may, and upon request of a member shall, divide the same. (Code 1962, appx. 3; 9-7-65)

Sec. 2-46 Amendments

It shall be in order to amend any ordinance, resolution or motion at any time during its consideration. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to an entirely different matter shall not be in order. (Code 1962, appx. 3; 9-7-65)

Sec. 2-47 Tie Vote

In case of a tie vote on any proposal, the proposal shall be considered lost. (Code 1962, appx. 3; 9-7-65)

Sec. 2-48 Precedence of Motion

When a question is before the Town Council, no motion shall be entertained except: (a) to adjourn, (b) to fix the hour of adjournment, (c) to lay on the table, (d) to refer, (e) to amend, (f) for the previous question, (g) to postpone to a certain day and (h) to postpone indefinitely. These motions shall have precedence in the order indicated. (Code 1962, appx. 3; 9-7-65)

Sec. 2-49 Procedure in Absence of Rule

In the absence of a rule in this article to govern a point of procedure, Robert's Rules of Order shall control. (Code 1962, appx. 3; 9-7-65)

Vienna Town Code

Division 7. AgendaSec. 2-50 Order of Business

The business of all regular meetings of the Town Council shall be transacted in the following order; except, that the Council by a majority vote of members present and voting may change the order:

- (a) Invocation
- (b) Call of the roll
- (c) Approval of the minutes of any preceding meeting or meetings
- (d) Opening of competitive bids, if any
- (e) Receipt of communications
- (f) Reports by committees of Council and Town officials
 - (1) Work sessions
 - (2) County liaison
 - (3) Requests and inquiries of Council members
 - (4) Report of Town Manager
 - (5) Report of Mayor
 - (6) Proposals for addition of items to agenda
- (g) Items of business postponed from a previous meeting or which have been considered as agenda items at a previous meeting and upon which action has not been completed.
- (h) New business
- (i) Items not included on written agenda
- (j) Adjournment. (Code 1962, appx. 3; 9-7-65; 10-23-67)

Sec. 2-51 Procedure for Adding Items (Amend. 9-7-76)

No item which does not appear on the written prepared agenda for a regular Council meeting, as provided in §§ 2-52 and 2-53, may be proposed for consideration unless the town Manager or a member of the Town Council determines that it is a matter of such an emergency nature that its consideration cannot be postponed to the next regular Council meeting, provided, that such a proposal shall be stated during consideration of subsection (f)(6) of Section 2-50. The affirmative vote of a majority of the members present and voting shall be required to add such items to the agenda.

Sec. 2-52 Preparation; Delivery to Members

The Town Clerk and the Town Manager shall prepare a written agenda for each meeting of the Town Council. All items to be considered, except for those added pursuant to § 2-51, shall appear on the written agenda, which shall be delivered, together with all supporting and appurtenant documents, to each member of the Council not later than twenty-four hours prior to

the start of the subject meeting. (Code 1962, appx. 3; 9-7-65; Amend. 2-70)

Sec. 2-53 Items to be Included

(a) The Town Manager shall place on the agenda for each Town Council meeting all items as in his opinion, after consultation with the Town Attorney and the Town Clerk, require or are appropriate for Council consideration. Such items shall be supported by a brief written description of the facts and circumstances giving rise to the problem and accompanied by suggestions for desired Council action. The same shall be distributed to members with the prepared agenda. Proposed motions shall be complete with names, dates, conditions, terms, places and other details.

(b) The Mayor and each member of the Council shall have the right to have included on any prepared agenda such items as he deems appropriate for Council consideration. The Mayor and members of the Council desiring to submit items for inclusion on the prepared agenda shall notify the Town Clerk or Town Manager of the nature of the matter they wish considered in sufficient detail as to enable the item to be properly formulated and the Town Manager to be prepared for discussion. Such notification may be oral or written, and shall be delivered sufficiently prior to the meeting at which consideration is desired to allow the Town staff reasonable time to include the items on the prepared agenda, and undertake any investigation required. If the member desires the Council to adopt any resolution, ordinance or motion, he shall prepare the same and deliver it to the Town Clerk in reasonable time to allow for duplication and distribution in accordance with § 2-52. All material pertinent to items scheduled hereunder shall be distributed to members with the prepared agenda.

(c) Any member of the public directly affected or aggrieved by circumstances, conditions or occurrences arising within the Town, and over which the Town can reasonably be expected to exercise control or influence, shall have the right to have placed on the prepared agenda of any regular or special meeting and have considered a separately numbered item appropriate to the problem or request to which it is desired to direct the attention of the Council. Requests from members of the public for inclusion of such items on the agenda shall be in writing and contain a brief description of the circumstances giving rise to same. If it is desired that the Council adopt a particular ordinance, resolution or motion, the same should be prepared and submitted with the written statement. Such written request shall be delivered to the Town Clerk or Town Manager at least twenty working hours, three working days, prior to the start of the meeting at which consideration is desired, Thursday noon for meeting following Monday; provided, that in cases involving an emergency, as found by the Town Manager, the twenty-hour requirement may be waived. Members of the public at whose request items are included on the agenda are advised to be present at the Council meeting during which their item is discussed in order to offer additional explanation and so that members may have the opportunity to question them. All material pertinent to items scheduled hereunder shall be distributed to members with the prepared agenda.

(d) In addition to specific items placed on the prepared agenda of any meeting pursuant to subsection (c) of this section, members of the public may appear and be heard briefly under the agenda item entitled "Receipt of Petitions and Communications" for the purpose of directing attention to or requesting action on matters not included on the prepared agenda. Such appearances shall be limited to a short resume of the situation or problem involved and the action directed. At the conclusion of such appearances, all matters discussed shall be referred to the Town Manager for investigation and report; except as same may be considered by the Council after being added to the prepared agenda pursuant to subsection (f)(6) of §§ 2-50 and 2-51. (Code 1962, appx. 3; 9-7-65; 10-23-67)

Division 8. Ordinances, Resolutions and Motions

Sec. 2-54 Introduction

Ordinances and resolutions and amendments thereto may be introduced orally or in writing, but any member may request a copy in writing before a vote on final passage is had on any ordinance or resolution or amendment thereto of general applicability or involving the regulation of public conduct, imposition of taxes, fines or penalties, appropriation of public funds, improvement or construction of highways, streets, sidewalks or other public works or an ordinance or resolution or amendment thereof upon which a public hearing is required by law. (Code 1962, appx. 3; 9-7-65)

Sec. 2-55 Compliance with Charter

The following procedural requirements as to enactment of ordinances are required by Chapter 9 of the Charter:

- (a) The object of every proposed ordinance shall be expressed in its title.
- (b) No ordinance except an emergency ordinance shall be passed until after a notice of intention to propose the same for passage shall have been published once a week for two successive weeks prior to its passage in some newspaper published in the County.
- (c) No such ordinance shall become effective until ten days after it shall have been published in full or by its title and an informative summary of such ordinance in a like newspaper. If such publication is by title and an informative summary, the publication shall include a statement that a copy of the full text of the ordinance is on file in the office of the Town Clerk.

- (d) The provisions of this section governing publication shall not apply, however, to any ordinance enacted pursuant to a state statute where such statute provides for the manner of publication.
- (e) Any ordinance passed as an emergency shall require a two-thirds vote of all the Council, and shall be void and of no effect at the expiration of sixty days from the date of adoption, unless sooner repealed or reenacted as provided in Section 9.1.1 of the Charter. (Code 1962, appx. 3; 9-7-65)

Sec. 2-55.1 Identification of Proposers of Ordinances, Resolutions, or Amendments to Ordinances

In addition to the procedural requirements as to the enactments of ordinances required by Chapter 9 of the Charter, and as stated in the preceding section, a proposal to adopt or amend an ordinance, or to adopt a resolution, shall identify the member of the Town Council, Town staff, or member of the public who has recommended the adoption thereof or the amendment thereto. (Amend. 9-7-76)

Sec. 2-56 Emergency Ordinances

Emergency ordinances shall take effect upon passage and shall be limited to the immediate preservation of public peace, property, health, safety or morals. The emergency giving rise to the ordinance shall be set forth in the preamble to the ordinance.

If any emergency ordinance shall fail to receive the affirmative vote of two-thirds of all Councilmen, such measure shall cease to be before Council as an emergency measure. Thereafter, a motion to strike the emergency clause shall be in order. If such motion is adopted, the original ordinance shall thereupon be before Council for a vote on final passage without the emergency clause. If no such motion to strike is made, the ordinance shall be deemed lost. (Code 1962, appx. 3; 9-7-65)

Sec. 2-57 Effective Date of Resolution and Motions

The effective date of all resolutions and motions adopted by Town Council shall be stated where appropriate, and may be set for any time certain subsequent to adoption. (Code 1962, appx. 3; 9-7-65)

Article 4. Civil Emergency and Mob Action⁹Sec. 2-58 Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Civil Emergency

(a) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law.

(b) Any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake, or explosion within the Town resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

Curfew

A prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the Town, except persons officially designated to duty with reference to a civil emergency. (Code 1962, Sec. 19-1; 8-19-68)

Sec. 2-59 Mayor's Emergency Powers

When in the judgment of the Mayor a civil emergency is deemed to exist or when in his judgment there exists an imminent threat of any civil commotion or disturbance, he shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the Town.

(a) Impose a curfew upon all or any portion of the Town thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and city authorized or requested law enforcement officers and personnel may be exempted from such curfew.

(b) Order the closing of all retail liquor stores.

(c) Order the closing of all beer taverns.

⁹ For state law as to riots, routs and unlawful assemblies, see Code of Va., §§ 18.1-254.01 to 18.1-254.12

(d) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer is permitted.

(e) Order the discontinuance of the sale of beer.

(f) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(g) Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products.

(h) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(i) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition.

(j) Designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.

(k) Call upon regular and auxiliary law enforcement agencies and organizations within or without the Town to assist in preserving and keeping peace within the Town.

(l) Issue such other orders as are imminently necessary for the protection of life and property. (Code 1962, § 19-2; 8-19-68)

Sec. 2-60 Period of Emergency

The proclamation of emergency by the Mayor shall become effective upon its issuance by the Mayor and shall remain in effect for such period as set forth in this article. (Code 1962, § 19-3; 8-19-68)

Sec. 2-61 Calling of Special Meeting of Town Council; Actions of Town Council

It shall be the duty of the Mayor immediately upon issuance of a proclamation of emergency to call a special meeting of the Town Council. The proclamation shall remain in effect until such special meeting of the Town Council is had.

At such special meeting the Town Council may continue in force the proclamation of the Mayor for such period of time as in the judgment of the Council may be necessary or may enact such emergency ordinance as in their judgment may be required consistent with the existing

emergency and in the best interests of public safety and welfare. (Code 1962, § 19-4; 8-19-68)

Sec. 2-62 Obedience to Officers or Personnel Enforcing Article

No person shall fail or refuse to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing any proclamation of emergency by the Mayor or any emergency ordinance of the Council authorized in this article. (Code 1962, § 19-5; 8-68)

Article 5Disclosure of Real Estate Holdings

(NEW 7-21-75; Amend on EMERGENCY BASIS 12-19-83; Reg. 1-9-84)

Sec. 2-63 Definitions

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

THE TOWN COUNCIL: The Town Council of the Town of Vienna, Va.

PLANNING COMMISSION: The Planning Commission of the Town of Vienna, Va.

BOARD OF ARCHITECTURAL REVIEW: The Board of Architectural Review of the Town of Vienna, Va. (Amend. 12-1-75)

BOARD OF ZONING APPEALS: The Board of Zoning Appeals of the Town of Vienna, Va.

TOWN MANAGER: The Town Manager of the Town of Vienna, Va.

DEPARTMENT HEAD: That official in charge of the Town government departments of Finance, Public Works, Police, and Parks and Recreation. (Amend. 12-1-75)

CANDIDATE: Any person having done those things required by law to have his name placed on the ballot in any Town election.

Sec. 2-64 Disclosure

On or before January 15 of each year, every member of Council, Planning Commission, Board of Zoning Appeals, Board of Architectural Review, the Town Manager and each Department Head shall complete a Disclosure of Real Estate Holdings Form and Financial Disclosure Form and cause the same to be filed with the Town Clerk.

Sec. 2-65 Content of Forms

Each form used for such filing shall be obtained from the Town Clerk and shall be that

form furnished the said Clerk by the Secretary of the Commonwealth pursuant to law.

Sec. 2-66 Candidates for Office

Amy candidate for elective office in Town shall file the same disclosure form not more than sixty (60) nor less than thirty (30) days prior to the day of election in which he is a candidate for office, and thereafter, if elected, no later than January 15 of each year.

Sec. 2-67 Forms Maintained

All such forms shall be maintained as public records by the Town Clerk for a period of five (5) years.

